

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 25, 2003. Claims 1-10 remain pending in this application. Claims 1 and 7 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-10 under 35 USC § 103(a) as being anticipated by Giannini (U.S. Patent No. 4,860,354; hereinafter "Giannini") in view of Sato (U.S. Patent No. 4,539,700; hereinafter "Sato"). Applicants respectfully submit that the pending application and claims are patentable for at least the following reasons.

Applicants' Claim 1 recites: "[a] portable signal activator comprising: a wearable garment having a body structure; a pressure-sensitive electrical activator switch mounted to the body structure of said garment and capable of activating a signaling device; and, a connection means extending from the electrical activator switch through a material fabric of the wearable garment to serve as a coupling to the signaling device."

As stated in the Office Action, Gianni fails to recite or suggest a connection through a material fabric of the wearable garment to couple the device and the activator. In addition, Gianni fails to recite or suggest a pressure-sensitive electrical

activator switch. Gianni recites switch 50 in Figs. 5 and 6. A force denoted by arrows 68 activates switch 50 when an elbow or knee is bent (see, e.g., Col. 5, lines 5-14). Thus the switches of Gianni are not pressure-sensitive, but rather rely on being bent by a human joint in order to close the switch. "The switches 16-26 are flexible switches... the wearer of the suit moves a shoulder or elbow or a knee in order to close one of the switches 16-26" (Gianni, Col. 3, lines 35-39). Thus Gianni's switches are not pressure-sensitive, but rather require bending or flexing. Further evidence is that Gianni recites that mercury switches are also suitable (Col. 3, lines 50-51) which are not pressure-sensitive, but rather close a switch upon motion that makes mercury move from one place to another. Gianni requires motion to close a switch. Thus, Gianni's fails to recite or suggest all the elements of Claim 1.

Sato only recites a portable audio device with speakers in in the garment attached to an external tape recorder. Sato fails to recite or suggest pressure sensitive switches. In addition, Sato cannot be properly combined with Gianni, because Sato's connection means 101 connects a device with its own controls to passive speakers 41 with which a wearer cannot interact. Thus, one of ordinary skill at the time of the invention would fail to recognize the benefit of combining Sato and Ginani. Further, the combination

of Gianni and Sato fail to recite or suggest all the claimed limitations of Applicants' Claim 1.

Claim 1 is believed patentable over Gianni in view of Sato for at least these reasons.

Claim 7 recites a method substantially corresponding to the portable signal activator of Claim 1 and is believed patentable for at least the same reasons.

Claims 2-6 and 8-10 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, however, it is also deemed to define an additional aspect of the invention, and should be individually considered on its own merits.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

By 

Aaron Waxler,

Reg. No. 48,027

Agent

(914) 333-9608

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